

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP AMENDMENT**
Atsuo Otsuji et al.)
Application No.: 10/594,497) Group Art Unit: 1625
Filed: September 28, 2006) Examiner: TAOFIQ A. SOLOLA
For: POLYMERIZABLE COMPOUND) Confirmation No.: 3731
AND USE THEREOF)

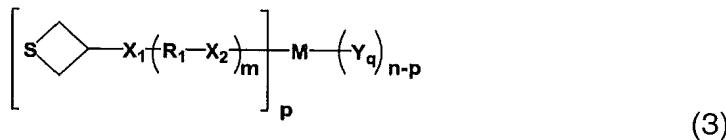
**RESPONSE TO RESTRICTION/UNITY OF
INVENTION AND SPECIES REQUIREMENTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to restriction/unity of invention requirement set forth in the Official Action dated June 11, 2009, applicants hereby elect the subject matter of Group I which currently includes claims 3-6. This election is made with traverse as the Examiner's reasons for the requirement are not consistent with the unity of invention standards applicable in the instant national stage application. In particular, the Examiner has stated that claims 3-6 are drawn to compounds of formula 1, has asserted that the only structural elements shared by the claims of all the Groups is thietane and then has alleged that the Dittmer et al. article shows that thietane is known in the art.

The stated logic is believed to be incorrect for several reasons. First, claim 5, the only independent claim of the claims of record, does not recite a compound of formula 1, but rather defines a compound represented by formula (3) which is set forth as follows:



wherein, in the formula, M represents a metal atom; X₁ and X₂ each independently represent a sulfur atom or an oxygen atom; R₁ represents a divalent organic group;

m represents an integer of 0 or 1 or more; p represents an integer of from 1 to n; q represents an integer of from 1 to (n-p); n represents a valence of a metal atom M; Yq each independently represent an inorganic or organic residue; and when q is 2 or more, Yq may be bonded to one another for forming a ring structure with the intermediary of a metal atom M.

As should be apparent to those of ordinary skill in the art, the recited compound is not simply thietane, but rather is a compound which includes defined moieties including a metal atom. The Dittmer et al. article describes a different compound which, for example, does not contain a metal atom. Thus, applicants respectfully submit that the claims in Groups II and III, all of which are dependent on sole independent claim 5 are part of the same inventive concept and should be examined together.

Turning to the election of species requirement set forth on pages 3-4 of the Action, applicants hereby elect the species of Compound No. 3-1 as disclosed on page 44 of the specification. This election is made without traverse based on the examination procedure described on page 3 of the Action.

Favorable consideration on the merits is respectfully requested.

Finally, as requested in the previous response, consideration and acknowledgement of the information submitted in the Information Disclosure Statements filed on September 28, 2006, and May 14, 2009, are respectfully requested.

Should the Examiner have any questions concerning the present application, he is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,
BUCHANAN INGERSOLL & ROONEY

By: 
Robert G. Mukai
Registration No. 28,531

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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